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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-ENVIRONMENTAL QUALITY
BY: KSR, DEPUTY - MA 6 P.

When recorded return to:
Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention: Voluntary Cleanup Program Coordinator
P.O. Box 144840
Salt Lake City, Utah 84114-4840

RECEIVED

Re: **Former Morgan Hanauer Smelter Voluntary Cleanup Site (VCP#C045)**
4200 South Main Street, Murray, Utah

AUG 20 2013

Environmental Response &
Remediation

FIRST AMENDED CERTIFICATE OF COMPLETION

This First Amended Certificate of Completion ("Amendment") replaces in its entirety the Certificate of Completion issued on August 21, 2008 and recorded on August 28, 2008, Entry # 10509990, Book 9639, page 8351-8357 ("COC"). The purpose of this Amendment is to make two non-substantive administrative clarifications. The first clarification is that failure to follow Attachment B to the COC, a figure depicting the Hamlet Development at Fireclay development plan for the Property that was never realized, does not constitute a change in land use expected to result in increased risks to human health or the environment since the Property was cleaned to a level which allows residential uses. Therefore, this Amendment removes the reference to and deletes Attachment B from the COC. The second clarification is that the Site Management Plan dated July 21, 2008 and referenced in the COC may be amended from time to time by filing an amendment acceptable to the Executive Director (or designee) of the Utah Department of Environmental Quality ("UDEQ"). This Amendment also reflects the current address of the UDEQ and the Executive Director (or designee). Because this Amendment makes non-substantive administrative clarifications, this Amendment is retroactively effective to the date of issuance of the COC.

NOW THEREFORE, THIS AMENDMENT REPLACES THE COC IN ITS ENTIRETY AS FOLLOWS.

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality, through the undersigned designee below ("Executive Director"), has determined that Hamlet Development and Gibbons Realty Company, hereinafter collectively referred to as "Applicant," have completed a Utah Department of Environmental Quality ("UDEQ") supervised voluntary cleanup of the real property described in Attachment A ("Property"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on March 14, 2006. The Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111 and subject to the conditions set forth in section three below.

SCANNED

DERR 2013-006734

2. Acknowledgment of Protection From Liability

This COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Annotated to an applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the applicant applies to enter into a Voluntary Cleanup Agreement, and to future owners who acquire the Property covered by this COC, and to lenders who make loans secured by the Property covered by the COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release or contamination, or to an owner or lender who changes the land use from the use specified in the COC if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment, or to an owner or lender who causes further releases on the Property. Also, there is no release from liability if the COC is obtained by fraud, misrepresentation, or the knowing failure to disclose material information. Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.

3. Specified Land Use for Certificate of Completion

This COC is issued based on the Applicant's representation that the Property will be used for mixed commercial and residential uses, consistent with the residential exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The residential scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for a duration of 30 years at a frequency of 350 days per year.

In addition, this COC is issued based upon compliance with the COC, as well as compliance with an Environmental Covenant ("EC"), dated August 12, 2008 and recorded in the records of the Salt Lake County Recorder as Entry No. 10497519 in Book 9634 at Page 2136, and the Site Management Plan dated July 21, 2008, as may be amended from time to time ("SMP"). The SMP may be amended by filing an amendment thereto acceptable to the Executive Director. The COC, EC, and SMP, among other things, require:

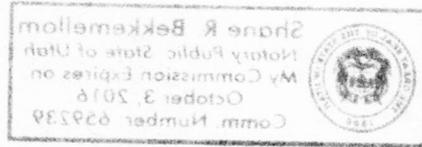
- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. Non-use of the groundwater located beneath the Property via wells, pits, sumps or other means;
- c. Compliance with the Environmental Covenant recorded with the Salt Lake County Recorder on August 12, 2008 in Book 9634 on pages 2136-2164;
- d. The SMP is implemented as proposed;
- e. Reports are submitted to UDEQ as described in the SMP;
- f. Continued reimbursement to UDEQ for its oversight of activities under the EC and SMP; and
- g. Continued consent to access by UDEQ to monitor compliance with the EC and SMP.

4. Unavailability of Release of Liability

Use of the Property that is not consistent with section three including failure to comply with the EC or SMP described in section three shall constitute a change in land use expected to result in increased risks to human health/the environment making the release of liability in section two unavailable.

5. Availability of Records

All documents discussed in this COC are on file and may be reviewed at the UDEQ/Division of Environmental Response and Remediation office located at 195 North 1950 West, Salt Lake City, Utah.



6. Final Signature for Former Morgan Hanauer Smelter Certificate of Completion

Dated this 1st day of August 2013.

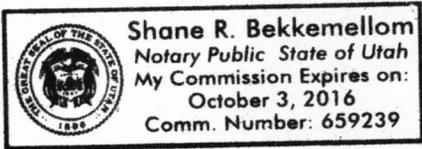
Brent H. Everett
Brent H. Everett, Director
Division of Environmental Response and Remediation
And Authorized Representative of the
Executive Director of the Utah
Department of Environmental Quality

STATE OF UTAH)

 :SS.

COUNTY OF SALT LAKE)

On this day of August 1st, 2013, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above First Amended Certificate of Completion as the authorized representative of the Executive Director of the Utah Department of Environmental Quality.



Shane R. Bekkemellom
NOTARY PUBLIC

Residing At: Cottonwood
Heights, Utah

My Commission Expires October 3, 2016

ATTACHMENT A

Former Morgan Hanauer Smelter Legal Property Description

**Former Morgan Hanauer Smelter
4200 South Main Street
Murray, Utah**

Legal Property Description:

The Former Morgan-Hanauer Smelter site consists of the following-described real property situated in Salt Lake County, State of Utah:

BEGINNING at the intersection of the 1968 Murray City Annexation Boundary in Big Cottonwood Creek recorded December 31, 1968 in Book GG at Page 18 of the Salt Lake County records and a line 33.00 feet perpendicularly distant westerly of the Main Street monument line, said point being North $87^{\circ}15'51''$ East 16.28 feet (North $87^{\circ}01'34''$ East 16.16 feet per 1968 Murray City Annexation Plat), North $00^{\circ}30'11''$ East 1741.07 feet ($00^{\circ}15'54''$ East 1741.07 feet by record) along said Main Street monument line, and North $76^{\circ}01'54''$ East 33.93 feet (North $76^{\circ}16'11''$ West 33.93 feet by record) along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek from the East Quarter Corner of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearings being North $00^{\circ}30'11''$ East 1518.10 feet from the found centerline monument marking the intersection of Fireclay Avenue and Main Street to the found centerline monument marking the intersection of Central Avenue and Main Street), and running thence along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek the following five courses: North $76^{\circ}01'54''$ West 23.32 feet (North $76^{\circ}16'11''$ West by record), North $39^{\circ}46'13''$ West 154.80 feet (North $40^{\circ}00'30''$ West by record), North $68^{\circ}12'37''$ West 290.80 feet (North $68^{\circ}26'54''$ West by record), North $76^{\circ}43'06''$ West 457 feet (North $76^{\circ}57'23''$ West by record) and South $29^{\circ}27'50''$ West 50.40 feet (South $29^{\circ}13'33''$ West by record) to the easterly right-of-way line of the UTA Light Rail Transit Corridor, formerly Union Pacific Land Resources Corporation (UPRR) as shown on the 1996 Existing Union Pacific Railroad Track Alignment Survey filed as Survey S97-09-0651 in the Salt Lake County Surveyors Office; thence along said easterly right-of-way line the following two courses: South $08^{\circ}47'37''$ East 709.28 (South $09^{\circ}02'48''$ East by record) and Southerly 216.19 feet along a 2897.82 foot radius curve to the right through a central angle of $04^{\circ}16'28''$ and along a chord of South $06^{\circ}39'23''$ East 216.13 feet to a point on the north line of the Road Dedication Plat Fireclay Avenue as recorded in Book 99-11P at Page 310 of said records; thence along said north line North $89^{\circ}57'37''$ East 722.30 feet (North $89^{\circ}42'43''$ East 722.44 feet per Road Dedication Plat Fireclay Avenue) to the west line of Main Street; thence along said west line North $00^{\circ}30'11''$ East 621.48 feet to the POINT OF BEGINNING.

Containing 658,857 square feet or 15.125 acres.